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Attorney for Petitioner **DEPENBROCK**

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEFFREY S. DEPENBROCK,

Petitioner,

v.

D.W. NEVEN, et al.,

Respondents.

Case No. 2:12-cv-01327-RFB-CWH

**UNOPPOSED MOTION FOR AN
ENLARGEMENT OF TIME IN
WHICH TO FILE A REPLY TO
ANSWER**

(First Request)

COMES NOW, The petitioner, Jeffrey S. Depenbrock, by and through counsel of record, Assistant Federal Public Defender Jason F. Carr, hereby moves this Court for an enlargement of time of 120 days (120) days from January 18, 2016, to and including May 17, 2015, in which to file a reply to Respondent's Answer. This motion is based upon the attached points and authorities and all pleadings and papers on file herein.

This is the first request for an extension.

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DATED this 19th day of January, 2016.

FEDERAL PUBLIC DEFENDER
DISTRICT OF NEVADA

/s/ Jason F. Carr

JASON F. CARR
Assistant Federal Public Defender

IT IS SO ORDERED:

A handwritten signature in black ink, appearing to be 'RFB', is written above a horizontal line.

RICHARD F. BOULWARE, II
United States District Judge

Dated this 21st day of January, 2016.

POINTS AND AUTHORITIES

1. On September 23, 2014, this Court appointed the Law Offices of the Federal Public Defender to represent Petitioner in the above-entitled action. (See Clerk's Record (CR) 23.) On October 1, 2014, counsel for Petitioner filed his Notice of Appearance. (CR 27.) On November 18, 2015 Petitioner to file an Amended Petition for Writ of Habeas Corpus. (CR 39.) Respondent's filed an Answer on December 17, 2015. (CR 40.)

2. Depenbrock now seeks his first request for an extension of time to file his reply to the answer. Depenbrock requests one hundred twenty (120) days of time, to an including May 17, 2016, in which to reply to the State's answer.

3. Counsel's recent and forthcoming schedule interferes with his ability to adequately prepare the opening brief. The following conflicting deadlines illustrate counsel's need for an extension: petition for writ of certiorari filed December 23, 2015, in *Rankin v. Palmer*, CA number 14-15634; petition for writ of certiorari filed December 30 2015, in *USA v. Abell*, CA number 14-10165; a supplement to petition for writ of habeas corpus filed January 5, 2016, in *Gallegos v. Baca*, case number 3:15-cv-00254-RCJ-VPC; an amended petition due January 19, 2016, in *Morales v. Neven*, case number 2:15-cv-00185-GMN-CWH; a reply to opposition to motion to file an amended petition due January 25, 2016, in *Gallegos v. Baca*, case number 3:15-cv-00254-RCJ-VPC; an opposition to motion to dismiss due January 27, 2015, in *Alford v. Neven*, case number 2:14-cv-00333-APG-NJK; an opening brief due February 4, 2016, in *Chen v. Neven*, CA number 15-17151; an amended petition due February 11, 2016, in *Smith v. Baca*, case number 3:14-cv-00512-MMD-VPC; a petition for writ of certiorari due February 11, 2016, in *Sandoval v. LeGrand*, CA number 15-16795; an amended petition due February 26, 2016, in *Henderson v. Baker*, case number 3:14-

cv-00639-RCJ-WGC; a previously extended reply due March 2, 2016, in *Joshlin v. Neven*, case number 2:13-cv-1014-JCM-NJK; an opening brief due March 22, 2016, in *Smith v. Cox*, CA number 14-15884; a previously extended opening brief due March 28, 2016, in *U.S. v. Rocha*, CA number 15-10295; a previously extended reply due April 4, 2016, in *Brown v. State of Nevada*, case number 2:02-cv-0770-GMN-PAL; and a previously extended opening brief due May 3, 2016, in *Pattison v. Morrow*, CA number 15-16455.

4. On January 15, 2016, counsel contacted Deputy Attorney General Amanda Kunzi via email concerning this request for an extension of time. Ms. Kunzi had no objection to the request for an extension of time, with the caveat that nothing about the decision not to oppose Petitioner's extension request signifies an implied finding of a basis for tolling any applicable period of limitations or the waiver of any other procedural defense. Petitioner at all times remains responsible for calculating any limitations periods and understands that, in granting an extension request, the Court makes no finding or representation that the petition, any amendments thereto, and/or any claims contained therein are not subject to dismissal as untimely.

5. Counsel for Petitioner respectfully requests that this Court grant this motion and order Petitioner to file his reply to the Respondent's Answer no later than May 17, 2016.

DATED this 19th day of January, 2016.

Respectfully submitted
RENE L. VALLADARES
Federal Public Defender

/s/ Jason F. Carr
JASON F. CARR
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

In accordance with the Rules of Civil Procedure, the undersigned hereby certifies that on this 19th day of January, 2016, a true and correct copy of the foregoing **UNOPPOSED MOTION FOR AN ENLARGEMENT OF TIME IN WHICH TO FILE AN AMENDED PETITION FOR WRIT OF HABEAS CORPUS**, was filed electronically with the United States District Court. Electronic service of the foregoing document shall be made in accordance with the master service list as follows:

Amanda Kunzi
Deputy Attorney General
Appellate Division
100 North Carson Street
Carson City, NV 89701-4717

/s/ Leianna Jeske
An Employee of the
Federal Public Defender
District of Nevada